IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 22668 of 1994

Between:

Mr. Y.V.Rao,Secretary.
Siddhartha Academy of General and Technical Education,

Vijayawada.

..... PETITIONER

AND

1.The Authority under the Minimum Wages Act and Assistant

Commissioner of Labour,
Vijayawada, Krishna District.
2 Mr. Ch. Venkateswar Rao,Bus Drlver,
High School Road, Patamata, Vijayawada.
3 Government of Andhra Pradesh, Rep. by its Secretary,
Incharge Labour, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice, call for records and quash and set aside the order made in M.W.Case No.11/89 dated 26.11.1994 on the file of the Authority under the Minimum Wages Act and the Assistant Commissioner of Labour, Vijayawada Krishna District by issuing a writ of certiorari or any other appropriate writ, order or direction as the Hon'ble Court deems fit and proper and to grant such other relief to which the petitioner is found entitled to and to award costs.

Counsel for the Petitioner:MR.P.NAGESWARA SREE

Counsel for the Respondent No.2: MR.P.PRABHAKAR RAO

Counsel for the Respondent No. 1 and 3: None appeared

The Court made the following :

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ORDER:

1. This Writ Petition is filed challenging the order dated 26-1-1994 passed in M.W.Case No. 11 of 1989 on the file of Authority under Minimum Wages Act and Asst. Commissioner of Labour, Vijayawada, Krishna District.

2. The claim was laid by the 2nd respondent herein for payment of difference of minimum wages under the provisions of Motor Transport Workers Act. The said application was allowed by the authority under the Minimum Wages Act, against which the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that since the petitioner establishment is not a Motor Transport Undertaking and therefore the driver-2nd respondent who employed under the petitioner establishment, is not entitled for Minimum Wages prescribed under the Motor Transport Workers Act. Hence, he submits that the order passed by the authority is not sustainable and same is liable to be set aside.

4. The learned counsel for the respondents, however tried to convenice this Court that it is a fact that the vehicle was engaged by the petitioner company and that the definitions as contained in Motor Transport Act fully covers the situation and therefore the Writ Petition is liable to be dismissed.

5. At this distance of time I am not inclined to adjudicate the matter whether the petitioner falls either under Motor Transport Act or Ancillary Labour Enactments namely A.P. Shops and Establishment Act. Since the ground alleged is only a

difference of minimum wages, even assuming that the minimum wages are not covered under the Motor Transport Workers Act, yet it cannot be said that the petitioner is not entitled also under the Minimum Wages Act in view of the notification issued for Shops and Establishment Act.

6. Thus, I am not inclined to adjudicate the matter, in view of long lapse of time.

7. Accordingly, the Writ Petition is dismissed. No order as to costs.

G.Bikshapathy,J.

29th July, 2004.

KM

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1.The Authority under the Minimum Wages Act and Assistant

Commissioner of Labour,
Vijayawada, Krishna District.
2 The Secretary, Incharge Labour, Government of Andhra Pradesh,

Secretariat, Hyderabad.

3. 2 C.Cs to G.P. for Labour, High Court buildings, Hyderabad (OUT)

4.2CD copies

*Form-NIC-OGS/WP{**BJPR**}*

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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